REMARKS

After entry of this amendment, claims 21-25, 27-32, 34, 36-40, and 42-45 will be pending in this patent application, for a total of 21 claims, four of which are independent. Therefore, Applicant respectfully submits that no additional claim fees are due, because additional claim fees for that number of claims were paid with the preliminary amendment of August 9, 2005.

Applicant has amended independent claims 21, 28, and 36 to include certain features previously recited in dependent claims 26, 33, and 41, respectively, and, accordingly, has canceled claims 26, 33, and 41. Additionally, Applicant has introduced new dependent claim 42; has canceled independent claim 35 in favor of new claim 43; has made minor grammatical and other amendments to claims 24, 31-32, and 37-40 to place those claims in better form; and has introduced claims 44 and 45, which recite features previously recited in claims 22 and 29, respectively. No new matter has been added. Reconsideration and allowance of this patent application are respectfully requested in view of the foregoing amendments and the following remarks.

I. The Telephonic Interview

On May 5, 2007, the undersigned held a telephonic interview with Examiner Van Kim T. Nguyen. Applicant appreciates the Examiner's time, consideration, and thoughtful suggestions during the interview.

During the interview, several features of the present invention were discussed with respect to the teachings of U.S. Patent No. 6,564,380 to Murphy, in view of which the application is currently rejected (see below). The Examiner agreed that independent claims that recited the features of the pending amended claims would be patentable over Murphy. Applicant notes that the amended claims entered here do not follow precisely the wording of the claims presented to the Examiner for discussion purposes; however, the substance of the agreed-upon language has been preserved. Additional summary of the telephonic interview can be found in the remarks below regarding the rejection.

II. The Rejection

Claims 21-41 were rejected under 35 U.S.C. § 103(a) in view of Murphy, U.S. Patent No. 6,564,380. Applicant respectfully traverses the rejection with respect to those claims still pending, and respectfully requests that the rejection not be extended to the new claims.

As amended, claim 21 recites, *inter alia*, "allowing the originator of the request [for a video clip] to indicate a rating of [the] requested video clip; and…providing a video clip listing to at least some users, said listing providing information including said rating, or an aggregate rating including said rating, for at least some of said uploaded video clips." Amended independent claim 28 recites, *inter alia*, "requesting a rating from the originator of [the] request [for a video clip], and associating the requested video clip with the rating." New independent claim 43 contains similar language. As discussed during the interview, Applicant respectfully submits that at least those features are neither disclosed nor suggested by Murphy.

Moreover, those features are not new to Applicant's claims. Rather, similar features, including the collection of viewer ratings, were recited in dependent claims 26 and 33, and are recited in still-pending dependent claim 40. With respect to those two claims, the Examiner asserts in the Office Action that "Murphy also discloses receiving a viewer rating associated with the provided video clip (e.g., 'Top 100 Videos of the Day'; col. 14; lines 27-46)," (*see* Office Action at page 4, third full paragraph).

Applicant respectfully disagrees. What the cited passage actually says is that the Master Feed List of Murphy "can be structured to maintain a list of video feeds deemed likely to be very popular." Maintaining a list of videos "deemed likely" to be popular (i.e., by some administrator) is very different from actually collecting information on which video clips are popular directly from the users who viewed those clips. Moreover, nowhere does the Murphy patent disclose or suggest that feature.

Additionally, independent claim 36 recites that the video clip is "of a limited and predetermined size before being uploaded." That feature is also neither disclosed nor suggested by Murphy. Similar features are recited in dependent claims 27 and 34 as well. With respect to those two dependent claims, the Examiner asserts in the Office Action that "Murphy also discloses the uploaded video clips are with a pre-set size-limit (e.g.,

pricing can be calculated based on feed length; col. 13: lines 5-7)," (*see* Office Action at page 5, first full paragraph).

Applicant respectfully disagrees with the assertion. Applicant's claims recite a limit to the size of any one video clip. Calculating pricing based on feed length (i.e., the longer the clip is, the more one charges for it) is not the same thing as setting a pre-set size limit for a clip, as Applicant's agent explained during the interview.[1]

During the interview, the Examiner agreed that independent claims reciting the above-identified features would be patentable over Murphy. Therefore, for at least the reasons set forth above, Applicant respectfully requests that the rejection be withdrawn and not extended to the new claims.

CONCLUSION

In view of the above, Applicant respectfully submits that this application is in condition for allowance, and a timely Notice to that effect is earnestly solicited. If any additional issues relating to patentability remain, the Examiner is invited to contact the undersigned.

Respectfully submitted,

By: /Andrew McAleavey, Reg.#50,535/
Andrew McAleavey
Reg. No. 50,535
Tel. 510-428-9778
Fax. 510-295-2490
Customer No. 52447

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[1] Applicant notes that the Examiner cites a passage of Murphy referring to the "length of the feed" in response to Applicant's recitation of "a pre-set size-limit" in certain claims. That assertion implies a necessary correlation between size and length of video clips. Applicant respectfully submits that there is not always such a correlation. As those of skill in the art will recognize, video clip size (i.e., file size) depends on the nature of the video, the file format, the quality, the compression scheme used, and a number of other factors. Thus, in some cases, a shorter video clip may have a larger file size than a longer video clip. However, that distinction is secondary to Applicant's point, which is that calculating pricing based on length does not imply that one is setting a limit to the clip size.